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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,267	06/27/2008	Hugh Thomson	GHL-100US	4535
23122	7590	12/02/2009	EXAMINER	
RATNERPRESTIA			EDEL, JOSEPH F	
P.O. BOX 980			ART UNIT	
VALLEY FORGE, PA 19482			PAPER NUMBER	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/567,267	<b>Applicant(s)</b> THOMSON, HUGH	
	<b>Examiner</b> JOSEPH F. EDELL	<b>Art Unit</b> 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/06/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1xx are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the garment" in line 5. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7-9, 13, and 14, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,742,945 to Reinhardt.

Reinhardt discloses a vehicle safety device that includes all the limitations recited in claims 1-4, 7-9, 13, and 14, as best understood. Reinhardt shows a device having a body 30 with front and back portions 31,32, an attachment means 40,41 on the front portion and capable of receiving a vehicle seat belt, eyelets 13-17 formed in the body, a

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fabric strap 18 removeably connected to the body through the eyelets, and a neck hole 43 wherein the seat belt is capable of removed connection to the body attachment means so as to secure the seat belt to the body, the attachment means includes a releasable clip 47, the attachment means is fixedly connected to the body, the body is sleeveless, the front and back portions are formed in a single piece, the front and back portions are fixedly connected at a shoulder section only, the attachment means are positioned on the device accommodate a diagonally extending strap of the seat belt, and the attachment means is positioned near a portion of the body to guide the seat belt away from the neck hole.

Claim 1 uses "attachment means," which fails to invoke 35 U.S.C. 112, sixth paragraph, because it does not meet the three prong analysis set forth in MPEP § 2181.

Claims 1, 3-8, 10, 11, 13, and 14, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,571,000 to Holder.

Holder discloses a vehicle safety device that includes all the limitations recited in claims 1-8, 10, 11, 13, and 14, as best understood. Holder shows a device having a body 10 with front and back portions 16,17, an attachment means 26,28,32 on the front portion and capable of receiving a vehicle seat belt, eyelets 32 formed in the body, a fabric strap 28 removeably connected to the body through the eyelets, a pair of arm holes, a side of the body below the arm holes, and a neck hole 15 wherein the seat belt is capable of removed connection to the body attachment means so as to secure the seat belt to the body, the attachment means includes a releasable clip 30, the attachment means is fixedly connected to the body, the body is made from

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strengthened synthetic fabric, the body is sleeveless, the front and back portions are formed in a single piece, the front and back portions are removably attached down the sides of the body by a release clip 36,38, the attachment means are positioned on the device accommodate a diagonally extending strap of the seat belt, and the attachment means is positioned near a portion of the body to guide the seat belt away from the neck hole.

Claim 10 uses "release means," which fails to invoke 35 U.S.C. 112, sixth paragraph, because it does not meet the three prong analysis set forth in MPEP § 2181.

Claims 1, 2, 4-8, 13, and 14, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by DE Publication No. 33 01 385 A1 to Bimboese-Oswald.

Bimboese-Oswald discloses a vehicle safety device that includes all the limitations recited in claims 1, 2, 4-8, 13, and 14, as best understood. Bimboese-Oswald shows a device having a body 1 with front and back portions 2,3,4, an attachment means 7,8,9,10 on the front portion and capable of receiving a vehicle seat belt, and a neck hole wherein the seat belt is capable of removed connection to the body attachment means so as to secure the seat belt to the body, the attachment means includes a releasable clip, the attachment means is fixedly connected to the body, the body is made from strengthened synthetic fabric, the body is sleeveless, the front and back portions are formed in a single piece, and the attachment means is positioned near a portion of the body to guide the seat belt away from the neck hole.

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Claims 1, 2, 4-8, 13, and 14, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,449,770 B1 to Taylor et al.

Taylor et al. disclose a vehicle safety device that includes all the limitations recited in claims 1, 2, 4-8, 13, and 14, as best understood. Taylor et al. show a device having a body 10 with front and back portions 13,14, an attachment means 24 on the front portion and capable of receiving a vehicle seat belt, and a neck hole 15 wherein the seat belt is capable of removed connection to the body attachment means so as to secure the seat belt to the body, the attachment means includes a releasable clip, the attachment means is fixedly connected to the body, the body is made from strengthened synthetic fabric, the body is sleeveless, the front and back portions are formed in a single piece, the attachment means are positioned on the device accommodate a diagonally extending strap of the seat belt, and the attachment means is positioned near a portion of the body to guide the seat belt away from the neck hole.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holder in view of Taylor et al.

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Holder discloses a device that is basically the same as that recited in claim 12 except that the release means lacks a hook and eye fastener, as recited in the claims. See Figure 3 and 6 of Holder for the teaching that the release means extends at least in part up each side of the body to a position below each arm hole. Taylor et al. show a device similar to that of Holder wherein the device includes a release means 50 including a hook and eye fastener. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Holder such that the release means includes a hook and eye fastener extending at least in part up each side of the body to a position below each arm hole, such as the device disclosed by Taylor et al. One would have been motivated to make such a modification in view of the suggestion in Taylor et al. that a hook and eye fastener provides a conventional releasable fastener.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to vehicle safety devices:

U.S. Pat. No. 2,833,344 to Lucht

U.S. Pat. No. 2,908,324 to Muller et al.

U.S. Pat. No. 3,524,679 to De Lavenne

U.S. Pat. No. 4,437,628 to Schwartz

U.S. Pat. No. 5,161,258 to Coltrain

U.S. Pat. No. 6,314,578 to Masuda et al.

U.S. Pat. No. 7,131,703 to Sheridan et al.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Joseph F Edell/  
Primary Examiner, Art Unit 3636  
December 2, 2009